

The Individuals with Disabilities
Education Act (IDEA)
PL 105-17
America's Federal Special Education Law

NDSD Future Services Plan
Transition Team Meeting

October 29, 2009



Brief History

- › Why was a federal special education law needed?
- › Congress passed PL 94 -142 in 1974
- › *"Congress found that approximately half of the nation's 8 million children with disabilities were not receiving an appropriate education and about 1 million were receiving no education at all."*

Free Appropriate Public Education, Turnbull & Turnbull, 1998



Original Purposes of PL 94 -142

1. Assure that all students with disabilities have a right to a free appropriate public education
2. Protect the rights of the students and their parents in securing such an education,
3. Assist state and local education agencies to provide for the education of those students, and
4. Assess and assure the effectiveness of state and local efforts to educate those students.



Major concepts of federal law and service delivery:

- › Entitlements to services
- › Rights against discrimination

Other Major Principles of U.S. Disability Law:

- › Disabled but Not Unable
- › Independence, Productivity, and Inclusion
- › Economic Productivity
- › Individualization
- › Consent, Choice, and Client Participation
- › Accountability and Due Process
- › Normalization
- › Unity and Integrity of Families

Individuals with Disabilities Education Act (IDEA)

- › Part B: Requires states to provide full educational opportunities to all children with disabilities between ages of 3 and 21. It focuses primarily on students.
 - › In ND the Department of Public Instruction is the *Lead Agency* for Part B.
- › Part C: Early Intervention focuses on the infant and toddler with a disability and his or her family.
 - › In ND the Department of Human Services is the *Lead Agency* for Part C.

Purposes of IDEA (USCS §§ 1400 et. seq.)

- › To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.
- › To ensure that the rights of children with disabilities and parents of such children are protected;
- › To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities.

The Six Key Principles of the IDEA

› Principle 1: Zero Reject

- › "All" means all, and "zero reject" means "zero."
- › Congress intended the law to benefit all students with disabilities.
More than benefitting all students with disabilities, IDEA benefits all students, including those without disabilities.

The Six Key Principles of the IDEA

- › Principle 2: Evaluation
- › Individual evaluation of a student to identify his/her abilities (strengths) and disabilities (needs).
- › Nondiscriminatory evaluation of each student.
- › Evaluation team:
 - › Parents
 - › One general education teacher of the student
 - › One special education teacher
 - › One representative of the school district
 - › One individual who can interpret the instructional implications of evaluation results
 - › Other individuals who have knowledge or special expertise

The Six Key Principles of the IDEA

• Principle 3: Appropriate Education

Special education and related services that:

1. Are provided at public expense, under public direction and supervision, and without charge,
 2. Meet the standards of the state education agency, and
 3. Include appropriate preschool, elementary school, and secondary school education.
- Each student must have an individualized education program (IEP) tailored to fit his or her educational needs.

"An appropriate education is one that conforms to IDEA's process"

FAPE, Turnbull & Turnbull

Appropriate Education

- Making a nondiscriminatory evaluation
- Developing an individualized education program
- Attempting to place the child in the least restrictive appropriate program
- Seeing that the parents have access to the child's school records throughout this process, and
- Convening a due process hearing if the parents wish to protest the placement or any other action related to the child's right to a free appropriate education.

The Six Key Principles of the IDEA

• Principle 4: Least Restrictive Appropriate Educational Placement (LRE)

The least restrictive environment justification on an IEP describes the extent to which a child with a disability will be educated with nondisabled peers. The team considers these questions:

- What accommodations, modifications, and adaptations does the individual student require?
- Why can't these accommodations, modifications, and adaptations be provided within the general education classroom?
- Is there a potential detriment to the individual if served in the general classroom?
- How will the individual's participation in the general classroom impact the other students?



The Six Key Principles of the IDEA

• Principle 5: Procedural Due Process

Procedural safeguards for children and parents are legal protections to ensure that an individual's rights are not denied.

- Consent for initial evaluation and reevaluation
- Access to educational records
- Independent educational evaluations
- Prior written notice
- Dispute resolution options, e.g., complaints, mediation, due process hearing



The Six Key Principles of the IDEA

• Principle 5: Parent Participation and Shared Decision Making

• *Participatory democracy*

- "The legal right or political opportunity of those affected by a public agency's decisions to participate in making those decisions."

FAPE, Turnbull & Turnbull

- The IDEA prohibits unilateral decision-making in the schools.


